

The Town of Elsmere

11 Poplar Avenue, Elsmere, Delaware 19805

Phone (302) 998-2215 Fax (302) 998-9920

Application for Hearing

Board of Adjustment

Planning Commission

Petition # 12-35 Filing Fee: 300⁰⁰ Date Received 12/21/12 Received by: CIA

Subject Property: 510 Kirkwood Hwy

Property is: ☐ Residential ☒ Commercial

Tax Parcel # 190050005 Zoning District: CC

Applicant name: AUTOMART LLC

Address: 504 Kirkwood Hwy Telephone # 302.543.7557

City: Wilmington State: DE Zip Code: 19805

Application for Planning Commission Review of: OFFICE SPACE 1st Floor

Application for Zoning Variance Related to: meeting parking requirements

- | | |
|---|--|
| <input type="checkbox"/> Front yard setback | <input type="checkbox"/> Lot Coverage |
| <input type="checkbox"/> Rear yard setback | <input type="checkbox"/> Fencing |
| <input type="checkbox"/> Side yard setback | <input checked="" type="checkbox"/> Parking requirements |
| <input type="checkbox"/> Lot Area | <input type="checkbox"/> Signage |

Application for Special Exception Use Permit for the following use: General
OFFICE USE IN A CC district

Application for Appeal of an Administrative decision: _____

By: _____ Date: _____

For the following reasons: _____

Application for relief other than above: _____

A Council – Manager Municipality
Located on the Net at townofelsmere.com



State reasons for this request: NEEDS ADDITIONAL SPACE FOR
Employee parking and customer parking.
Vehicles must have either Dealer Tag, Temp Tag
or valid customer or employee Tag

Has a previous application for this property been filed with the Town? ☐ Yes ☒ No

If yes, Petition # _____

If the applicant is not the Legal Owner of the property:

Legal owner information:

Name: DAVID FEARON

Address: 310 CORVAL PL Telephone # 302-495-1139

City: WILM State: DE Zip Code: 19804

Please submit the following with this petition:

- A copy of a plot plan showing the following: location of the property; a diagram showing the layout, size, and location of existing structures on the property; a diagram showing the layout, size, and location of any proposed structures on the property.
- A copy of any deed restrictions on the property.
NOTE: THE BOARD OF ADJUSTMENT OR PLANNING COMMISSION CANNOT APPROVE ANY APPLICATION PROHIBITED BY DEED RESTRICTIONS.
- Filing fee, payable to the Town of Elsmere.

The undersigned hereby certifies that the legal owner of the subject property is aware of, and agrees to the filing of this application, that the information submitted herein is correct, and agrees to be bound by any decision of the Town of Elsmere Board of Adjustment with respect to the subject property.

NOTE: The legal owner or his/her authorized representative must sign this form.

Applicant's Signature: [Signature] Date: 11/15/12

Legal Owner's Signature: _____ Date: 11/15/12

In addition to the persons listed above please send copies of all correspondence to:

Name: AUTOMART LLC

Address: 504 Kirkwood Hwy Telephone # 302-543-7557

City: WILM State: DE Zip Code: 19805



Site Analysis
Petition 12-35

Property Owner: Jess Auto Supply Company

Zoning District: CC

Address: 510 Kirkwood Hwy.

Primary Use: Auto-part Retail

Parcel No.: 1900.500.105

LOT COVERAGE CALCULATIONS

Lot Area in Sq. Ft.:	4000	Sq. Ft.
Allowable Lot Coverage:	3000	Sq. Ft. (75%)
Total Coverage:	3,050	Sq. Ft. (76%)
❖ Office=	1,750	Sq. Ft.
❖ Front Porch =	0	Sq. Ft.
❖ Garage=	0	Sq. Ft.
❖ Driveway=	1300+/-	Sq. Ft.
❖ Rear Patio=	0	Sq. Ft.

Proposed Addition: 0 Sq. Ft.

Proposed Total: 0 Sq. Ft. (0%)

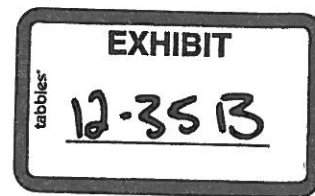
Conclusion: There is no proposed increase in floor area.

Required Setbacks: Front: 20' Rear: 20'
Side: 0' Both Sides: 0'

Existing Setbacks: Front: Bldg- 25' Rear: 5'
Pave- 0'
Side: 0' Both Sides: 4'

Proposed Setbacks: Front: Bldg- 25' Rear: 5'
Pave- 0'
Side: 0' Both Sides: 4'

Conclusion: There are no proposed changes to the existing setbacks.



STATEMENT OF FACT

There are no proposed changes to the building, lot coverage, or setbacks.

ISSUE

- 1) The applicant seeks to use the space as a general office. Per Town of Elsmere Code 225-19C(3), this is a “special exception use”, and therefore requires a Planning Commission review and a variance by the Board of Adjustment.
- 2) The applicant will need relief from Town of Elsmere Code 225-10E(b)(3).
Professional offices require 1 space per 100 sq.ft. of floor area.
Required = 35
Provided/Proposed = 5

FEB-14-00 11:55

FROM-POTTER, C.

E. ONARD, P.A.

302-832-6008

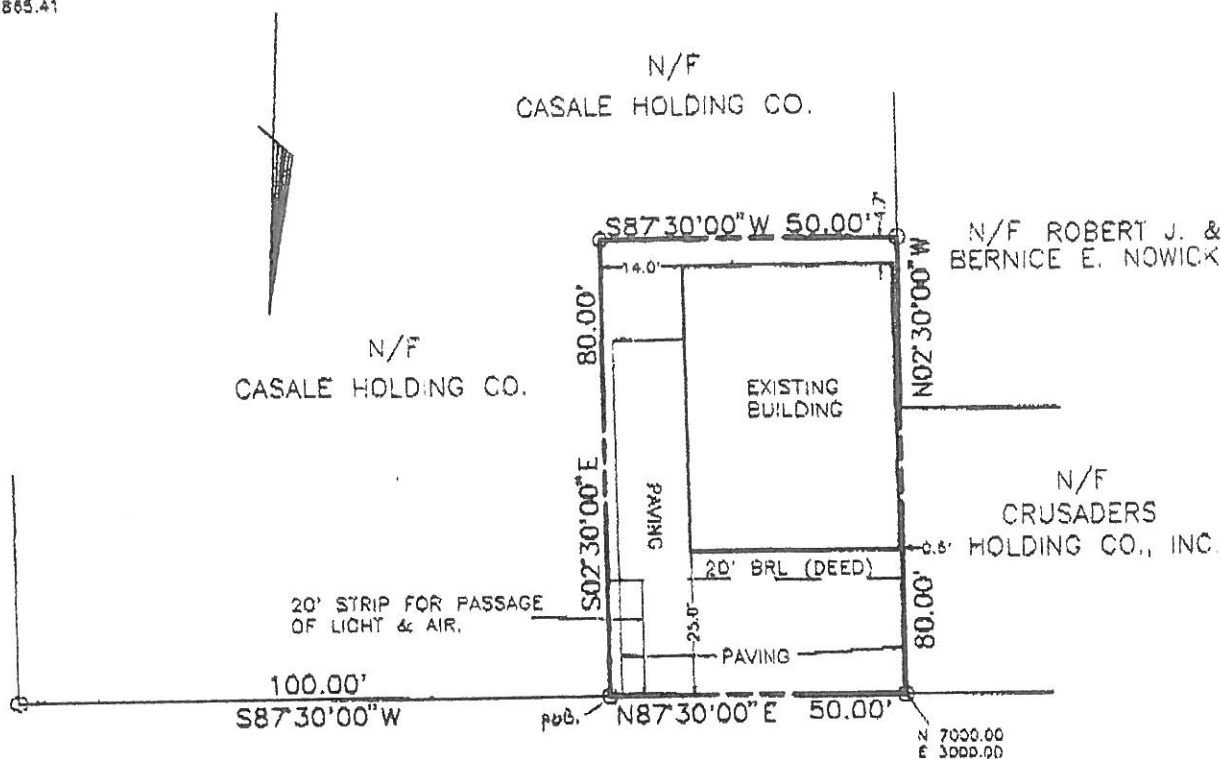
38 P.02/02

tabbles

12-35 C

IRON PIPE N 5793.65
FOUND E 2858.87IRON PIPE N 6643.71
FOUND E 2865.41

NORTHERN AVENUE



KIRKWOOD HIGHWAY
FORMERLY KNOWN AS WILMINGTON AVENUE

Donald A. Elwood

I HEREBY DECLARE THAT THE IMPROVEMENTS SHOWN HEREON HAVE BEEN LOCATED AND LIE WITHIN THE LOT BOUNDARIES UNLESS SHOWN OTHERWISE.

*THIS PLAN IS INTENDED FOR THE USE OF THE PARTIES INVOLVED WITH THIS LAND TRANSACTION AND SHALL NOT BE REPRODUCED OR USED FOR ANY OTHER PURPOSE, INCLUDING ESTABLISHMENT OF PROPERTY LINES, WITHOUT WRITTEN PERMISSION OF THE LAND SURVEYOR RESPONSIBLE FOR ITS CONTENTS. *FENCES, TREES, LANDSCAPING OR OTHER FEATURES HAVE NOT BEEN LOCATED UNLESS SHOWN AND DIMENSIONED. *PROPERTY MARKERS WERE NOT SET UNLESS INDICATED. *PROPERTY IS SUBJECT TO ANY AND ALL RESTRICTIONS AND EASEMENTS OF RECORD. *UNLESS THIS PLAN HAS AN IMPRESSED SEAL IT IS NOT AN AUTHORIZED REPRODUCTION OF THE ORIGINAL.

MORTGAGE INSPECTION PLAN
510 KIRKWOOD HIGHWAY

TOWN OF ELSMERE
NEW CASTLE COUNTY - DELAWARE
TAX PARCEL # 19 005.00 105

PROPERTY TO BE CONVEYED TO:
JESS AUTO SUPPLY COMPANY, INC.

A.E.S. SURVEYORS

4 EAST 8th STREET, SUITE 300A, WILMINGTON, DE 19801 Tel: 302-426-0500 Fax: 302-426-8504

SCALE: 1"=30'

DATE: 1/11/2000

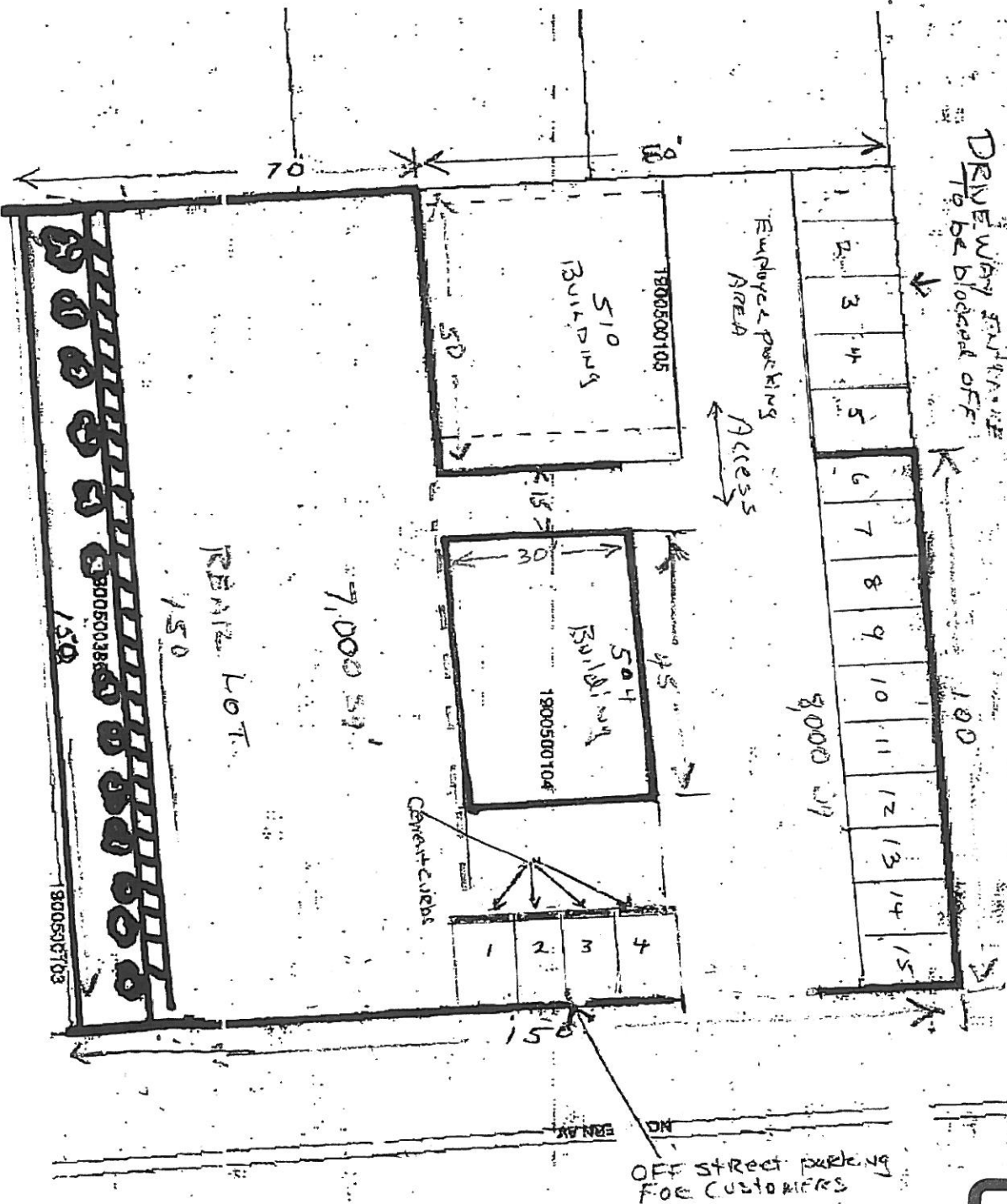
JOB # 200030

DEED REF: C-64/539

PLAT REF:

510 + 504 Kirkwood Hwy

DRIVEWAY ~~FOR~~ ~~TRUCKS~~
TO BE BLOCKED OFF



tabbles

EXHIBIT

12-35 D

ATTN
John Giles

10/26/12

AutoMart LLC.

504 Kirkwood Hwy

Wilmington, DE 19805

302-543-7557

PROPOSAL

TOWNSHIP OF ELSMERE

1. Occupy parcel # 190050005 as OFFICES ONLY for AutoMart as shown in drawing. Known as 510 Kirkwood Hwy.
2. Block off Entrance and exit to said parcel to eliminate potential traffic hazard with cement curbs painted yellow.
3. Display approximately 5 cars across front of business property with yellow cement curbs.
4. Side of existing parcel #190050004 (504) shown in drawing to be designated for customer parking affectually trading display parking for customer parking
5. Building to be painted Black and White the same 2 colors as AutoMart building at 504.
6. Eliminate all mechanical work previously being performed at 510, clean up existing debris outside, including but not limited to inoperable cars.
7. New signage to be installed subject to town approval at 510 consistant with signage at 504. - NEED PERMIT
8. Any license or permits required to be properly secured from township prior to occupancy.
9. Occupancy to occur on or about 12/01/2012 subject to Township Approval of Lease
- 10. Elimination of curb barriers between 510 and 504 for safe access and removal of display cars between 510 and 504.
11. Enclosed copy of drawing showing both parcels with proposed changes.
12. This proposal if approved will help eleviate any previous parking issues on Northern Avenue. We have been very attentive to our neighbors concerns and hope to continue to be a good partner in this community.







To see all the details on this screen, use the P



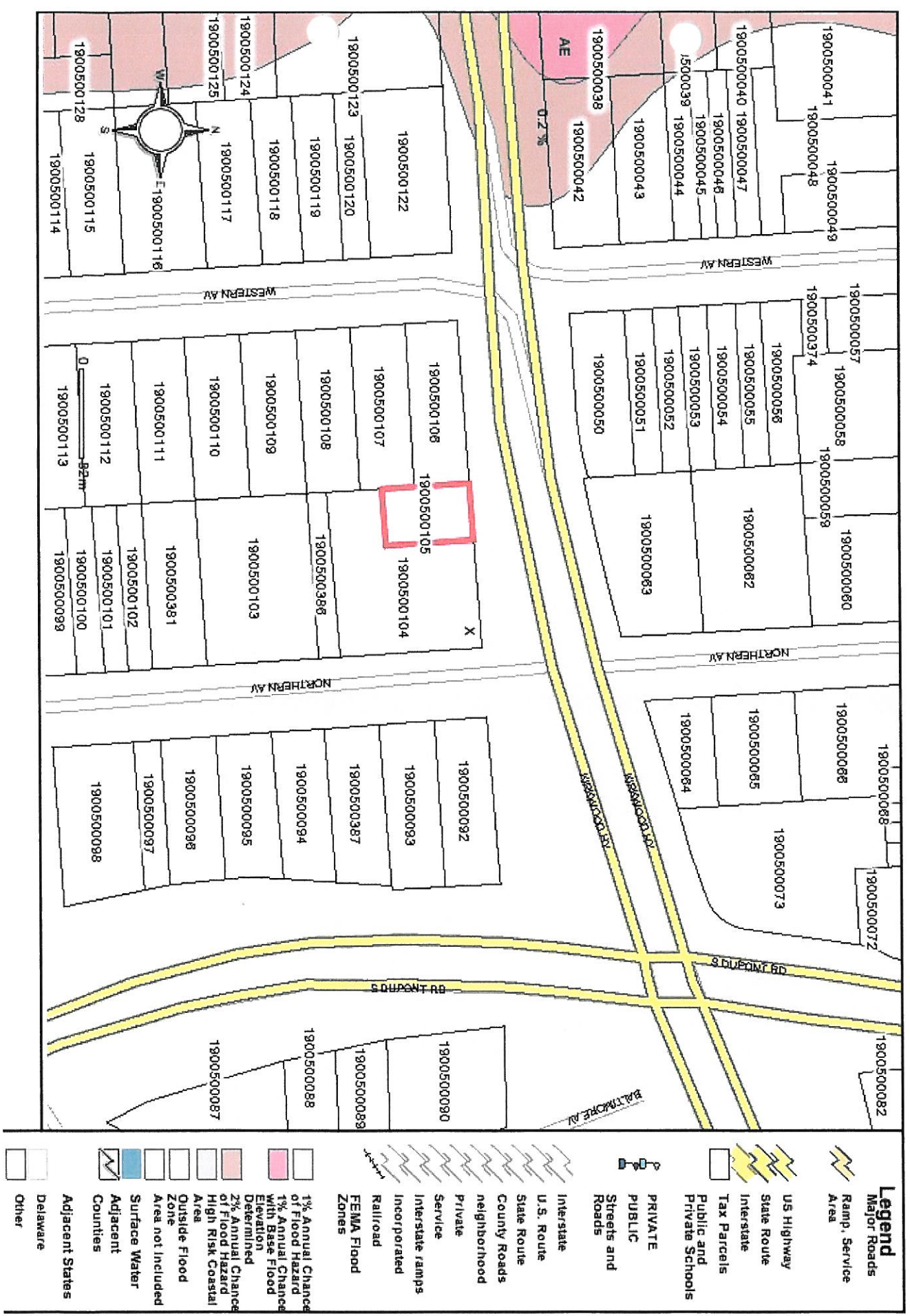


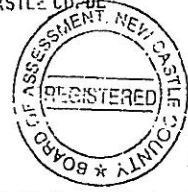
EXHIBIT
12-351

005449

00 JAN 26 AM 11:36

BK 2774 PG 0108

MICHAEL B. DIAGLIA
RECORDER OF DEEDS
NEW CASTLE CO., DE



Parcel No.: 19-005.00-105
RETURN TO & PREPARED BY:
STEPHEN B. POTTER AND ASSOCIATES
1400 Peoples Plaza, Suite 101
Newark, DE 19702

DEED

THIS DEED made this Fourteenth day of January, 2000, between HENRY J. DiDONATO and GLORIA C. DiDONATO, his wife, of New Castle County and State of Delaware, parties of the first part,

AND

JESS AUTO SUPPLY COMPANY, INC., a corporation of the State of Delaware, party of the second part.

WITNESSETH, that the said parties of the first part, for and in consideration of the sum of NINETY-FIVE THOUSAND DOLLARS (\$95,000.00), lawful money of the United States of America, the receipt whereof is hereby acknowledged, hereby grant and convey unto the said party of the second part,

ALL that certain lot, piece or parcel of land, with the building thereon erected, known as 510 Kirkwood Highway, situate in the Town of Elsmere, New Castle County and State of Delaware, and being more particularly bounded and described in accordance with a recent survey prepared by A.E.S. Surveyors, dated January 11, 2000, as follows, to-wit:

BEGINNING at a point on the southeasterly right of way line of Kirkwood Highway (formerly known as Wilmington Avenue), said point being a common corner for this lot and lands now or formerly of the Casale Holding Company, and further said point being distant South eighty-seven degrees, thirty minutes, no seconds West, one hundred feet from the point of intersection connecting said southeasterly right of way line of Kirkwood Highway with the southwesterly right of way line of Northern Avenue; thence thereby, South two degrees, thirty minutes, no seconds East, eighty feet to a point; thence continuing by the line of the aforesaid lands now or formerly of the Casale Holding Company, South eighty-seven degrees, thirty minutes, no seconds West, fifty feet to a point on the line of lands now or formerly of Robert J. and Bernice E. Nowicki; thence in part thereby and by the line of lands now or formerly of Crusaders Holding Company, Inc., North two degrees, thirty minutes, no seconds West, eighty feet to a point on the previously mentioned line of Kirkwood Highway; thence thereby, North eighty-seven degrees, thirty minutes, no seconds East, fifty feet to the point and place of beginning. Containing within said metes and bounds 4,000 square feet of land more or less.

SUBJECT to the regulation and restriction that no building shall be erected on said lot of land at a less distance than twenty feet southerly from the said southerly side of Wilmington Avenue or easterly from the said westerly side of Northern Avenue, but that the whole front on said Avenues, twenty feet wide, shall be kept an open ornamental space for the free passage of air and light forever, and to the further regulation and restriction that no malt or spirituous liquors shall be sold on the land and premises hereby conveyed forever.

SUBJECT to the parties of the second part to further covenant and agree for themselves their heirs, successors and assigns, that they will not erect a structure within twenty-five feet of Wilmington Avenue which will obstruct the view of the service station located at the southwesterly intersection of the Kirkwood Highway and Northern Avenue, but that a sign or signs may be installed in the setback area so long as the sign or signs do not obstruct the view of the said service station.

BEING the same lands and premises which George A. Davis and Alice H. Davis, his wife, by Deed dated June 19, 1959, and of record in the Office of the Recorder of Deeds in and for New Castle County, Delaware, in Deed Record C, Volume 64, Page 539, granted and conveyed unto Henry J. DiDonato and Gloria C. DiDonato, his wife, in fee.

Mailing Address:
510 Kirkwood Highway

2/2534

114
04A 1232 JAN 26 00 019
\$1,435.00 ST

BK 2774 PG 0109

IN WITNESS WHEREOF, the said parties of the first part have hereunto set their hands and seals, the day and year first above written.

SEALED AND DELIVERED

In the Presence of:

[Signature]
[Signature]

Henry J. DiDonato, POA (SEAL)
 Henry J. DiDonato by Henry J. DiDonato,
 Jr., his attorney-in-fact

Gloria C. DiDonato, POA (SEAL)
 Gloria C. DiDonato by Henry J. DiDonato,
 Jr., her attorney-in-fact

STATE OF DELAWARE)

:SS.

NEW CASTLE COUNTY)

BE IT REMEMBERED, that on this Fourteenth day of January, 2000, personally came before me, the Subscriber, a Notary Public for the State and County aforesaid, Henry J. DiDonato and Gloria C. DiDonato, his wife, by Henry J. DiDonato, Jr., their attorney-in-fact, parties to this Indenture, known to me personally to be such, and acknowledged this Indenture to be their act and deed.

GIVEN under my hand and seal of Office the day and year aforesaid

[Signature]
 Notary Public

Name: Henry J. DiDonato, Jr.

My Commission Expires:

24/06
 4,425.00
 1,119.00
Ching G. Stein